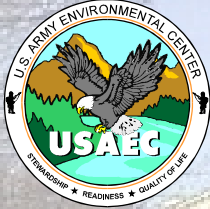
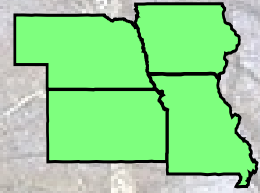


REGIONAL UPDATE



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ JUNE 1999 ★

★ REGION VII ★

Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions for the States of Iowa, Kansas, Missouri, and Nebraska.

GENERAL INFORMATION

Department of Defense (DoD) Initiative Encourages Government to Buy "Green" Products. DoD has a new coding system for all federal supplies that will make it easier for government workers to find and purchase environment-friendly products. Thanks to an initiative undertaken by military supply managers and the Defense Logistics Agency (DLA), federal supply listings will now show which stock items meet or exceed environmental guidelines, such as U.S. EPA's Comprehensive Procurement Guidelines and the Department of Energy's Standards for Energy Products. New environment-friendly product codes will be added to the list as these "green" products are developed and identified. The initiative was announced by Ms. Sherri Goodman, Deputy Under Secretary of Defense for Environmental Security, at the National Town Meeting for a Sustainable America, which took place 2-5 May 1999 in Detroit. With the new coding system, supply managers will update the Federal Logistics Information System (FLIS)—a computerized list of more than seven million supply items covering everything from office supplies to military hardware—with information that designates which items are the most environment-friendly. In addition to tracking national stock numbers for federal supply purchases, the FLIS offers guidance on acquiring, storing, distributing, transporting, using and disposing item used by the government. More information on this effort can be found at the web site for the Joint Group on Environmental Attributes at <http://www.jgenvatt.dla.mil/>, or from the Defense Logistics Information Service (DLIS) web site at <http://www.dlis.dla.mil/>. The DLIS public affairs office number is (616) 961-7015.

CONTENTS

General Information.....	1
Assistance/Guidance Information.....	2
Training Information.....	3
Conferences and Seminars.....	4
Federal Regulatory Actions.....	5
Key Environmental Compliance Dates.....	9
Iowa Legislative/Regulatory Activity.....	9
Kansas Legislative/Regulatory Activity.....	10
Missouri Legislative/Regulatory Activity.....	10
Nebraska Legislative/Regulatory Activity.....	13

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ASSISTANCE/GUIDANCE INFORMATION

U.S. EPA Upgrades Watershed Indicators. U.S. EPA has recently upgraded its Index of Watershed Indicators, an Internet-based compilation of 16 primary indicators used to characterize the health of the nation's waters. The new version updates 6 of the original 15 indicators and adds atmospheric deposition estimates for nitrogen. The Index provides watershed assessments through available information on surface and ground waters, drinking water sources, wetlands, runoff, fish advisories, contaminated sediments, as well as other indicators. U.S. EPA first released the index as a public right-to-know initiative in October 1997. The new version 1.3 is available at <http://www.epa.gov/surf2/iwi/update>.

Total Maximum Daily Load (TMDL) Tracking System Database Now Available for Download. An updated U.S. EPA database that includes all final state and territorial lists of impaired waterbodies is now available for downloading from U.S. EPA's web site at <http://www.epa.gov/owow/tmdl/trcksys.html>. The database collects all the final state and territorial Clean Water Act (CWA) Section 303 lists in a single national database. Before the database was created, information on waters listed under Section 303(d) of the CWA was not available in an electronic format. The database is designed to provide a clearer picture of how many waters have been listed under the CWA as impaired, as well as the causes of their impairment. The tracking system may then be used to determine which waters are listed in a state or U.S. EPA region and also how many waters are listed for a certain pollutant. To run the tracking system, the file must be downloaded and opened with Microsoft Access Version 97. For further information contact: Chris Laabs; U.S. EPA; (202) 260-7030.

U.S. EPA Groundwater Newsletter. U.S. EPA's latest issue of *Ground Water Currents* (EPA 542-N-99-002) is now available on the Internet at <http://clu-in.org/techdrcet/techpubs.htm>. The quarterly newsletter provides descriptions and performance data for developments in innovative groundwater treatment. The current issue features innovative permeable reactive barriers used to remediate contaminated groundwater.

Updated Software Available for Estimation of Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs). Updated software used to estimate emissions of VOCs and HAPs from storage tanks is available from U.S. EPA's Clearinghouse for Inventories and Emission Factors web site at <http://www.epa.gov/ttn/chief/ap42c7.html>. The equations and inputs used in the TANKS software are found in Section 7.1 of AP-42. The latest version of TANKS retains the same calculations, routines, and inputs used in the previous version. However, minor differences may be noted in calculated emissions due to an updated meteorological database that now includes city-specific atmospheric pressures. Enhancements include the addition of HAP liquid speciation profiles for crude oil and petroleum products for use when product-specific data are not available and allowing the user to input internal floating roof deck seam loss factors.

U.S. EPA Releases New Control Document for Fine Particulate Matter (PM-2.5). Updated information on technologies to control PM-2.5 emissions from industrial sources is now available for downloading from U.S. EPA's web site at <http://www.epa.gov/ttncaaa1/t1/meta/m32050.html>. The new document, *Stationary Source Control Techniques Document for Fine Particulate Matter*, replaces U.S. EPA's earlier 1982 guidance, *Control Techniques for Particulate Emissions from Stationary Sources*. The document contains detailed descriptions of the primary devices used to control particulate matter (PM) emissions from stationary sources: electrostatic precipitators, fabric filters, wet scrubbers, and incinerators. It also discusses emerging PM control technologies, reducing emissions through process modifications or optimization, controlling fugitive industrial emissions, and measuring emissions, including techniques that estimate the level of emissions from the source before and after control. According to U.S. EPA, the document was revised to support the development of implementation strategies for attaining the revised national ambient air quality standards (NAAQS) for the pollutant.

Report on Violations of the 8-Hour Ozone Standard. Air quality monitors around the country indicate that 315 counties will probably violate the new national ambient air quality standard for ozone when determinations are made in 2000, several groups determined in a report released 4 May 1999. According to the report, *Smog Watch: Pollution & Solutions to Monitor in 1999*, the counties are in 34 states, including Texas, California, and states in the Mid-Atlantic, Midwest, and Southeast. Tough national measures will help limit the number of nonattainment areas having to implement new pollution control measures, the report says. Such measures include control of nitrogen oxides—a precursor to the formation of ozone—from utility power plants and tighter controls on vehicle emissions. The report was written by two groups advocating reductions in air pollution: the Clean Air Network and the Clean Air Task Force. A third group, the U.S. Public Interest Research Group, helped publicize the report and joined the other organizations in calling on U.S. EPA to implement stringent anti-ozone measures in 1999. A copy of the report is available on the World Wide Web at <http://www.cleanair.net/>.

Report on Superfund Program Management Issues. According to a General Accounting Office (GAO) report issued 29 April 1999, U.S. EPA has made improvements over the years in setting funding priorities based on the relative risk of superfund sites to human health and the environment. The report says EPA now manages sites on the National Priorities List according to a "worst sites first" policy. However, the report says that further progress in this area is impeded because of the greater involvement of states in cleaning up hazardous sites. Because states increasingly decide which sites they will address under their own cleanup programs and those they wish to refer to U.S. EPA, the federal agency does not always have a complete picture of all the high-risk sites. GAO recommends improvements in communication between U.S. EPA and state cleanup programs to enable the U.S. EPA to better ensure that those sites being addressed represent the highest risk in the inventory. The report, *Superfund: Progress Made by EPA and Other Federal Agencies to Resolve Program Management Issues* (GAO/RCED-99-111, is available from GAO at (202) 512-6000.

GAO Report on Extent of Federal Influence on Urban Sprawl. According to a study released 30 April 1999 by the GAO, environmental regulations do not have a clear influence on urban sprawl. In its report, GAO addressed concerns that federal air quality regulations, CWA provisions, and other requirements encourage development outside urban or suburban areas. The report states "there is very little evidence that regulations have become a truly important location factor for a wide spectrum of industries." It also states that a study of the impact of environmental regulations on Fortune 500 manufacturing plants did not reveal any statistically significant effects on the location of businesses. The GAO report, *Extent of Federal Influence on "Urban Sprawl" is Unclear* (RCED-99-87), can be obtained by calling (202) 512-6000.

TRAINING INFORMATION

Water/Wastewater System Management Workshop. The U.S. Army Environmental Center (USAEC), in conjunction with the U.S. Army Installation Support Center (formerly the U.S. Army Center for Public Works) will be sponsoring the Water/Wastewater System Management Workshop to provide training on several products that have been jointly developed to assist installations in the management of their water and wastewater systems. These products are the Water Compliance Assessment Protocol, the Wastewater Compliance Assessment Protocol, the Wellhead Protection Program Development—User Guide and Model Schedule of Services, and the Cross-Connection Control Program Development—User Guide and Model Schedule of Services. The workshop will be held on **7-10 June 1999** in Denver, Colorado, and is intended for installation personnel who have responsibilities related to the management of water/wastewater systems and/or implementation of wellhead protection or cross-connection control. For further information contact: Hans Graven; RASco, Inc.; (703) 643-2952; fax (703) 497-2905; e-mail: RAScoWS@aol.com.

U.S. EPA Environmental Response Training Program (ERTP). U.S. EPA Region VII will be offering the following environmental response training courses at the Kansas City Kansas Community College in Kansas City, Kansas, in the coming months:

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|--|------------------------|
| • Introduction to Groundwater Investigations | 15-17 June |
| • Advanced Groundwater Investigations | 18 June |
| • Chemical Safety Audits | 29 June-2 July |
| • Radiation Safety at Superfund Sites | 23-27 August |
| • Safety and Health Decision-Making for Managers | 14-16 September |

ERTP course information is now available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To get a list of all training opportunities currently available through U.S. EPA Region VII, or for more information on classes, contact: Evelyn VanGoethem; U.S. EPA Region VII; (913) 551-7659; fax (913) 551-7145. To register for a class contact: Training Registrar; (513) 251-7776; fax (513) 251-4137.

U.S. EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Training. U.S. EPA's CERCLA Education Center (CEC) will be offering the following training courses in the Region VII area in the coming months:

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|--|------------------------|---------------|
| • Field-Based Site Characterization Technologies | 21-23 June | (Lawrence) |
| • Field-Based Analytic & Sampling Technologies | 24-25 June | (Lawrence) |
| • Planning & Process | 14-15 September | (Kansas City) |
| • Transportation & Disposal | | |

CEC course information is now available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. For further information contact: U.S. EPA; Technology Innovation Office, CEC; (703) 603-9910; fax (301) 589-8487.

Tri-Service Spatial Data Standards (TSSDS) Implementation Workshop. The TSSDS Implementation Workshop will be held **22-25 June 1999** in Vicksburg, Mississippi. The workshop is designed to provide training in the implementation of the TSSDS using commercially available Geographic Information System (GIS) and relational database software. ESRI ArcView and Intergraph GeoMedia will be the GIS software used in the workshop. An outline of the course is available on the Internet at <http://tsc.wes.army.mil/tssds/training/outlinefinal.htm>. Registration information can be accessed at <http://tsc.wes.army.mil/headlines/classes/classes.asp>.

Hazardous Substance Management System (HSMS) Orientation Training. HSMS orientation training, referred to as HSMS "101" is open to all Army personnel who wish to learn more about the Hazardous Material Management Program (HMMP) and HSMS. The course provides an overview of the HSMS software and discussion of how it fits into the HMMP. Topics to be covered include: the business practices associated with hazardous material control, HSMS design features and hardware requirements, and case studies of installations implementing a HAZMART and HSMS. The course is targeted for individuals planning for HAZMART and HSMS operation and will provide the greatest benefit to decision-makers from Logistics, Environmental, Information Management, Public Works, Safety, Hazardous Waste, and Industrial Hygiene from both the major Army command and installation level. The orientation training will also include a half-day tour of an operational HAZMART Center. This course is not intended to be users training for the HSMS software. Future classes are scheduled for **August** and **October 1999**. For more information or to register for the training, contact the CAO at (888) 800-7242, or e-mail at HSMS@saic.hqisec.army.mil.

CONFERENCES and SEMINARS

JUNE 1999

Midwest Pollution Prevention (P2) Conference. The Midwest P2 Conference, which will be held on **7-9 June 1999** at the Park Place Hotel in Kansas City, Missouri, will provide education and training to businesses in Iowa, Kansas, Missouri, and Nebraska on pollution prevention as a means to regulatory compliance and cost savings. Specifically, the conference will focus on P2 technological innovation, cost/benefit analyses of successful P2 measures, timely information on regulatory compliance issues and the corresponding P2 solutions in two industrial areas: fleet vehicle maintenance and metal finishing. Technical training opportunities and a product show will also be available to conference participants. The conference is co-sponsored by the Region VII P2 Roundtable, a consortium of technical and regulatory assistance providers, and the U.S. EPA Region VII Pollution Prevention Office. The conference is being coordinated by the National Pollution Prevention Roundtable (NPPR), the largest membership association in the United States dedicated solely to the reduction of pollutants at the source. For further information contact: Michele Russo; NPPR; (202) 466-P2P2.

SEPTEMBER 1999

1999 National Recycling Congress and Exposition. The 1999 National Recycling Congress and Exposition will be held **27-29 September 1999** in Cincinnati, Ohio. The "Federal Track" of the 1999 conference will represent a cross-section of all Federal agencies. Each agency will have the opportunity to share success stories and lessons learned with representatives from the other agencies. Last year, for example, representatives of civilian and military facilities provided presentations on affirmative procurement, recycling programs, using federal purchasing to create markets for recovered materials, recycling of electronics and other non-traditional materials, the new Greening the Government Executive Order, and America Recycles Day. For further information contact: Dana Arnold, Executive Steering Committee; (202) 260-1297; fax (202) 401-9503; e-mail: arnold.dana@epamail.epa.gov.

NOVEMBER 1999

1999 National Pollution Prevention Roundtable (NPPR) Annual Fall Workgroup Conference. The NPPR's fourth annual Fall Workgroup Conference will take place **17-19 November 1999** at the La Fonda Hotel in Santa Fe, New Mexico. The workgroup conference offers NPPR members the opportunity to formulate strategies and address the challenges of pollution prevention (P2) within intimate and interactive sessions, including three plenary sessions and ample breakout time. The Thursday morning plenary will focus on where the P2 movement is headed, and as in years past, the conference will conclude with an information sharing from workgroups on their activities and from the

NPPR Board outlining its plans for the coming year. The National Pollution Prevention Roundtable (NPPR) is the largest membership association in the United States dedicated solely to the reduction of pollutants at the source. *For further information contact: NPPR; (202) 466-3908.*

DECEMBER 1999

4th Annual Joint Services P2/Hazardous Waste Management (HWM) Conference & Exhibition. The Fourth Annual Joint Services P2 Conference and Exhibition, "Environmental Stewardship for the Next Millennium," will be held **6-9 December 1999** in San Antonio, Texas. This year's event, which is being expanded to include HWM, will provide an open forum for exchanging ideas, success stories, case histories and technologies. The conference will cross federal, academia and industry boundary lines—opening channels for a combined effort to implement the essential P2/HWM objective by all. The Joint Services Conference will be hosted by the Headquarters Air Force Center for Environmental Excellence, Brooks AFB, Texas. Information on the conference is available on the Internet at <http://www.ndia.org/events/brochure/040/040.htm>.

FEDERAL REGULATORY ACTIONS

U.S. ARMY CORPS OF ENGINEERS (USACE)

USACE Final Rule: Revisions to the CWA Regulatory Definition of "Discharge of Dredged Material" (64 FR 25119). The USACE and U.S. EPA are promulgating a final rule amending a CWA Section 404 regulation that defines the term "discharge of dredged material." This action conforms that definition to the results of a lawsuit holding that by asserting jurisdiction over any redeposit of dredged material, including incidental fallback, the Agencies had exceeded their statutory authority under the CWA. This rule is intended to comply with the injunction issued by the district court in that case and responds to the court decision by deleting language from the regulation that was held to exceed the Agencies' CWA statutory authority and by adding clarifying language. This rule was effective 10 May 1999. *For further information contact: John Lishman; U.S. EPA; (202) 260-9180; or Mike Smith or Sam Collinson; USACE; (202) 761-0199.*

U.S. ENVIRONMENTAL PROTECTION AGENCY

U.S. EPA Final Rule: Land Disposal Restrictions Phase IV (64 FR 25407). U.S. EPA is making technical corrections and clarifications to five related rules previously published by U.S. EPA: (1) regulations promulgating Land Disposal Restrictions (LDR) treatment standards for wood preserving wastes, published 12 May 1997; (2) regulations promulgating LDR treatment standards for metal-bearing wastes, published 26 May 1998; (3) administrative stay of the metal-bearing waste treatment standards as they apply to zinc micronutrient fertilizers, published 31 August 1998; (4) emergency revision of LDR treatment standards for hazardous wastes from the production of carbamate wastes, published 4 September 1998; and (5) revised treatment standards for spent aluminum potliners from primary aluminum production, published 24 September 1998. The rule was effective 11 May 1999. *For further information contact: Peggy Vyas; U.S. EPA, Office of Solid Waste; (703) 308-5477; e-mail: vyas.peggy@epamail.epa.gov.*

U.S. EPA Final Rule: HAPs: Amendment to Regulations Governing Equivalent Emission Limitations by Permit (64 FR 26311). U.S. EPA is adopting an amendment to the Regulations Governing Equivalent Emission Limitation by Permit proposed in the Federal Register on 16 April 1999 (64 FR 1862). This action amends the rule implementing CAA Section 112(j) to extend the Section 112(j) permit application deadline for sources in 7-year source categories until 15 December 1999. This rule was effective 14 May 1999. *For further information contact: James Szykman; U.S. EPA, Emission Standards Division; (919) 541-2452; e-mail: szykman.jim@epa.gov; or David Markwordt; U.S. EPA, Emission Standards Division; (919) 541-0837; e-mail: markwordt.david@epa.gov. (Editor's Note: Also see related U.S. EPA Withdrawal of Direct Final Rule, "HAPs: Regulations Governing Equivalent Emission Limitations by Permit" (64 FR 26311), below.)*

U.S. EPA Withdrawal of Direct Final Rule: HAPs: Regulations Governing Equivalent Emission Limitations by Permit (64 FR 26311). Due to receipt of an adverse comment, U.S. EPA is withdrawing a 16 April 1999 direct final rule (64 FR 18824), which would have amended the rule implementing CAA Section 112(j) to extend the Section 112(j) permit application deadline for sources in 7-year source categories until 15 December 1999. Having withdrawn the direct final rule, U.S. EPA is taking final action to extend the Section 112(j) permit application deadline based on the proposed rule, which was also published on 16 April 1999 (64 FR 18862). The direct final rule is

withdrawn as of 14 May 1999. For further information contact: James Szykman; U.S. EPA, Emission Standards Division; (919) 541-2452; e-mail: szykman.jim@epa.gov. **(Editor's Note: Also see related U.S. EPA Final Rule, "HAPs: Amendment to Regulations Governing Equivalent Emission Limitations by Permit" (64 FR 26311), above.)**

U.S. EPA Final Rule: Guidelines Establishing Test Procedures for the Analysis of Oil and Grease and Non-Polar Material Under the CWA and Resource Conservation and Recovery Act (RCRA) (64 FR 26315). U.S. EPA is approving use of U.S. EPA Method 1664, Revision A: N-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry for use in U.S. EPA's CWA programs. This action also deletes Method 9070, adds revised Method 9071B, and incorporates Method 1664 by reference for use in U.S. EPA's RCRA programs. The new technique, which uses normal hexane (straight-chain hexane) as a solvent to extract certain contaminants from water or waste for further analysis, is an alternative to one that used CFC-113 as an extraction solvent. These actions are being taken as part of U.S. EPA's effort to reduce dependence on use of chlorofluorocarbons (CFCs). This rule is effective 14 June 1999. For further information contact: Maria Gomez-Taylor (CWA programs); U.S. EPA Office of Science and Technology, Engineering and Analysis Division; (202) 260-1639; or Gail Hansen (RCRA programs); U.S. EPA, Office of Solid Waste; (703) 308-8855.

U.S. EPA Direct Final Rule; Proposed Rule: Accidental Release Prevention Requirements: Risk Management Plans (RMPs) Under CAA Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances (64 FR 28695/28702). This direct final action amends the Chemical Accident Prevention Provisions, also known as the RMP regulations, codified in 40 CFR Part 68. The revisions concern the worst-case release scenario analysis for regulated flammable substances in 40 CFR 68.25. U.S. EPA is issuing these revisions so that the regulated community can treat regulated flammable substances in the same manner as regulated toxic substances for determining the quantity released when conducting a worst-case release scenario analysis. U.S. EPA is taking this direct final action pursuant to a settlement agreement with the American Petroleum Institute. U.S. EPA is also clarifying its interpretation of Clean Air Act (CAA) Sections 112(l) and 112(r)(11), as they relate to Department of Transportation requirements under the Federal Hazardous Materials Transportation Law. This rule is effective 21 June 1999 without further notice, unless U.S. EPA receives adverse comment by 16 June 1999. For further information contact: Sicy Jacob or John Ferris; U.S. EPA, Chemical Emergency Preparedness and Prevention Office; (202) 260-7249 or (202) 260-4043, respectively. **(Editor's Note: This action allows industry to treat regulated flammables the same way it treats toxic substances to determine the quantity released when conducting worst-case scenario analysis. The amendments are the result of a settlement agreement with the American Petroleum Institute. Also see related U.S. EPA Final Rule, "List of Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels" (64 FR 29167); and U.S. EPA Proposed Rule, "List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Hydrocarbon Fuel Exemption" (64 FR 29171) below.)**

U.S. EPA Final Rule: List of Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels (64 FR 29167). Pursuant to CAA Section 301(a)(1), 42 U.S.C. 7601(a)(1), U.S. EPA is providing a six-month stay of the effectiveness of its RMP rule under CAA Section 112(r) as it applies to processes containing no more than 67,000 pounds of certain flammable hydrocarbon fuels (including propane, butane, ethane, methane, and others). In a separate action, U.S. EPA is also proposing an exemption that mirrors the terms of this stay. The exemption would not apply to processes that manufacture the fuel, contain above a threshold quantity of another (non-fuel) regulated substance, or processes connected to, or co-located with, another (non-fuel) covered process at the facility. This final rule provides a temporary stay while U.S. EPA completes rulemaking on the proposed exemption. While this stay is in effect, processes that would qualify for the proposed exemption are not subject to Part 68. This stay is in addition to, and does not affect, the stay of the rule for propane processes recently entered by the U.S. Court of Appeals for the D.C. Circuit. This final rule is effective 21 June 1999. For further information contact: John Ferris, Chemical Engineer; U.S. EPA, Chemical Emergency Preparedness and Prevention Office (CEPPO); (202) 260-4043. **(Editor's Note: The administrative stay extends the scope of the 27 April 1999 U.S. Court of Appeals stay (which applied to Liquefied Petroleum (LP) Gas/propane users only – at any threshold) to industries that use RMP listed flammable hydrocarbons. The court-ordered stay will be in effect until further review by the court and its scheduling of oral arguments for the early fall 1999 term. If the judicial stay is lifted, facilities using LP Gas/propane will then be subject to U.S. EPA's administrative stay and the final rule establishing the flammable hydrocarbon exemption. Also see related U.S. EPA Direct Final Rule; Proposed Rule, "Accidental Release Prevention Requirements: Risk Management Plans (RMPs) Under CAA Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances" (64 FR 28695/28702) above; and U.S. EPA Proposed Rule, "List of**

Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Hydrocarbon Fuel Exemption” (64 FR 29171) below.)

U.S. EPA Proposed Rule: Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems (PWSs) (64 FR 23397). The Safe Drinking Water Act (SDWA) requires U.S. EPA to establish criteria for a monitoring program for unregulated contaminants and, by 9 August 1999, to publish a list of contaminants to be monitored. U.S. EPA is proposing the Unregulated Contaminant Monitoring Regulation for PWSs to substantially revise the current regulations for unregulated contaminant monitoring. This proposed rule includes a new list of contaminants to be monitored, procedures for selecting a national representative sample of PWSs that will be required to monitor, the frequency and schedule for monitoring, and procedures for placement of the monitoring data in the National Drinking Water Contaminant Occurrence Database. The data in the database will be used to identify contaminants for the Drinking Water Contaminant Candidate List, to support the Administrator's determination of whether or not to develop drinking water standards for a particular contaminant, and in developing standards for the selected contaminants. The proposed rule is open to public comment until 14 June 1999. *For further information contact: Charles Job; U.S. EPA, Office of Ground Water and Drinking Water; (202) 260-7084.*

U.S. EPA Proposed Rule: National Primary Drinking Water Regulations: Public Notification Rule (64 FR 25963). U.S. EPA is proposing to revise the general public notification regulations for PWSs to implement the public notification requirements of the 1996 SDWA amendments. The regulations set the requirements that PWSs must follow regarding the form, manner, frequency, and content of the public notice. The public notification requirements apply to owners and operators of PWSs that: fail to comply with the requirements of the National Primary Drinking Water Regulations; have a variance or exemption from the drinking water regulations; or are facing other situations posing risk to public health. U.S. EPA is also proposing to revise the state implementation regulations allowing a state to establish alternative public notification requirements with respect to the form and content of the notice, and to consolidate all the public notification requirements for PWSs in a single subpart of the Code of Federal Regulations (CFR). Comments must be received on or before 12 July 1999. A copy of the proposed regulation may be obtained by calling the Safe Drinking Water Hotline at 1(800) 426-4791, or by visiting U.S. EPA's web site at <http://www.epa.gov/safewater/pws/pn/pn.html>. *For further information contact: Carl Reeves; U.S. EPA; (202) 260-7273; e-mail: reeverts.carl@epa.gov. (Editor's Note: Regulated entities include federally-owned PWSs, such as water systems on military bases. Also see related U.S. EPA Notice, "Availability of Draft Public Notification Handbook" (64 FR 25880), below.)*

U.S. EPA Proposed Rule: Oil Pollution Prevention and Response; Non-Transportation-Related Facilities (64 FR 26926). U.S. EPA published a proposed rule to amend the Facility Response Plan requirements in the Oil Pollution Prevention and Response regulation found at 40 CFR Part 112. U.S. EPA also published an advance notice of proposed rulemaking seeking comments on how we might differentiate among the various classes of oil for purposes of the Spill Prevention, Control, and Countermeasures Plan requirements. Both the proposed rule and advance notice of proposed rulemaking were published on 8 April 1999 (64 FR 17227). The comment period for both ended on 10 May 1999. In response to requests, U.S. EPA extended the comment period for the proposed rule to 9 June 1999 and is extending the comment period for the advance notice of proposed rulemaking to 7 July 1999. *For further information contact: Barbara Davis (proposed rule) or Hugo Paul Fleischman (advance notice of proposed rulemaking); U.S. EPA, Oil Program Center; (703) 603-8823 and (703) 603-8769, respectively.*

U.S. EPA Proposed Rule: List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Hydrocarbon Fuel Exemption (64 FR 29171). U.S. EPA is proposing to modify the rule listing regulated substances and threshold quantities for the Risk Management Program issued under Section 112(r) of the CAA as amended. U.S. EPA is proposing that a process containing 67,000 pounds or less of a listed flammable hydrocarbon fuel, and no other listed substance above its threshold quantity, be exempt from threshold quantity determination. The exemption will not apply to processes that manufacture the fuel, contain more than a threshold quantity of another (non-fuel) regulated substance, or processes connected to, or collocated with, another covered process at the facility. U.S. EPA believes this proposed change will exempt from RMP coverage numerous small fuel users that were not intended to be subject to the RMP requirements and better focus accident prevention activities on stationary source operations that will present a greater risk to the community. Comments must be submitted on or before 28 June 1999. *For further information contact: James Belke, Chemical Engineer; U.S. EPA, CEPPD; (202) 260-7314. (Editor's Note: Depending on comments received, a final rule is expected in the fall. Also see related U.S. EPA Direct Final Rule; Proposed Rule, "Accidental Release Prevention Requirements: Risk Management Plans (RMPs) Under CAA Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances" (64 FR 28695/28702); and U.S. EPA Final Rule, "List of*

Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels” (64 FR 29167) above.)

U.S. EPA Notice: Availability of Performance Evaluation Reports for Fiscal Year 1998 Section 105 Grants; Iowa, Kansas, Missouri, Nebraska (64 FR 25879). U.S. EPA's grant regulations require the Agency to conduct yearly performance evaluations on the progress of the approved state/U.S. EPA agreements and require the Agency to make the evaluation reports available to the public. U.S. EPA has conducted evaluations on the Iowa Department of Natural Resources (IDNR), the Kansas Department of Health and Environment (KDHE), the Missouri Department of Natural Resources (MDNR), and the Nebraska Department of Environmental Quality (NDEQ). These evaluations were conducted to assess the agencies' performance under the grants made to them by U.S. EPA pursuant to Section 105 of the Clean Air Act (CAA). Copies of the evaluation reports are available for public inspection at the U.S. EPA Region VII office in Kansas City, Kansas. This notice was effective 13 May 1999. *For further information contact: Ed West; U.S. EPA Region VII; (913) 551-7330.*

U.S. EPA Notice: Availability of Draft Public Notification Handbook (64 FR 25880). U.S. EPA is making available for review and comment a draft Public Notification Handbook (EPA 816-R-99-004). The handbook will assist PWSs in implementing the proposed revised public notification regulations. The public notification regulations apply to owners and operators of PWSs that fail to comply with the drinking water standards and related regulations under the SDWA. Written comments on the draft Public Notification Handbook are requested by 31 July 1999. U.S. EPA is also soliciting comment on the handbook at two public meetings to be scheduled during the summer of 1999. A copy of the draft handbook may be obtained by calling the Safe Drinking Water Hotline at 1(800) 426-4791, or may be viewed and downloaded from U.S. EPA's web site at <http://www.epa.gov/safewater/pws/pn/pn.html>. *For further information contact: Carl Reeverts; U.S. EPA; (202) 260-7273; e-mail: reeverts.carl@epa.gov. (Editor's Note: Also see related U.S. EPA Proposed Rule, “National Primary Drinking Water Regulations: Public Notification Rule” (64 FR 25963), above.)*

U.S. EPA Notice: Advance Notice of Proposed Rulemaking: Control of Diesel Fuel Quality (64 FR 26142). U.S. EPA is considering setting new quality requirements for fuel used in diesel engines, in order to bring about large environmental benefits through the enabling of a new generation of diesel emission control technologies. Because the pursuit of diesel fuel quality changes would be a major undertaking for the Agency and affected industries, and because of the many unresolved issues involved, U.S. EPA is publishing this advance notice to summarize the issues. Although this advance notice solicits comment on all potentially beneficial diesel fuel quality changes, U.S. EPA believes the most promising change would be fuel desulfurization for the purpose of enabling new engine and aftertreatment technologies that, although highly effective, are sensitive to sulfur. Written comments on this advance notice should be submitted by 28 June 1999. *For further information contact: Carol Connell; U.S. EPA, National Vehicle and Fuels Emission Laboratory; (734) 214-4349; fax (734) 214-4050; e-mail: connell.carol@epa.gov.*

U.S. EPA Notice: Announcement of Public Meeting on the Development of New Waste Leaching Procedures Under the RCRA Program (64 FR 28173). U.S. EPA will hold a public meeting 22 through 23 July 1999 on its ongoing review of the Toxicity Characteristic Leaching Procedure (TCLP), and the development of revisions or supplements to the TCLP or new waste leaching procedures under the RCRA Program. The purpose of the meeting is to discuss current and alternative approaches to waste leachate characterization testing and use of leach testing data, and to solicit public input on this topic. Both scientific and policy aspects of leach testing will be addressed. The meeting will be held at the Crystal Gateway Marriott Hotel in Arlington, Virginia. *For further information contact: Gail Hansen; U.S. EPA, Office of Solid Waste; (703) 308-8855; e-mail: hansen.gail@epamail.epa.gov; or Lisa Enderle; Science Applications International Corporation (SAIC); e-mail: lisa.e.enderle@cpmx.saic.com; or the SAIC conference information line; (703) 645-6946.*

U.S. FISH AND WILDLIFE SERVICE (USFWS)

USFWS Notice: Availability of Agency Draft Indiana Bat (*Myotis sodalis*) Revised Recovery Plan (64 FR 17406). The USFWS announces the availability for public review of the Agency Draft Indiana Bat (*Myotis sodalis*) Revised Recovery Plan. The species has been documented in 26 states in eastern North America. Persons wishing to review the draft revised recovery plan may download a copy from the USFWS web site at http://www.fws.gov/r3pao/eco_serv/endangrd/index.html, or may purchase a copy by contacting the Fish and Wildlife Reference Service at (3301) 492-6403 or (800) 582-3421. *For further information contact: Dr. Paul McKenzie; USFWS; (573) 8876-1911, Ext. 107. (Editor's Note: The Indiana Bat is known to occur on or is contiguous to the Iowa Army Ammunition Plant and Fort Leonard Wood.)*

KEY ENVIRONMENTAL COMPLIANCE DATES

21 June	Deadline for owners and operators of stationary sources with more than a threshold quantity of a regulated substance in a process to submit initial risk management plans, three years after the date on which a regulated substance is listed under 40 CFR 68.130, or the date on which a regulated substance is first present above a threshold quantity in a process, whichever is later, and meet other requirements specified at 40 CFR 68.12.	CAA: 40 CFR 68.3 through 68.220	61 FR 31713; 6/20/96 as amended by 62 FR 45132; 8/25/97, and 63 FR 644; 1/6/98
29 June	Deadline for owners and operators of community water systems collecting fewer than five routine total coliform samples a month to undergo a follow-up sanitary survey.	SDWA: 40 CFR 141.21(d)(1)(I)	N/A

IOWA

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plans and Approval Under Section 112(I); State of Iowa (64 FR 25825/25855). U.S. EPA is taking final action to approve two State Implementation Plan (SIP) revisions submitted by the state of Iowa. These revisions will strengthen the SIP with respect to attainment and maintenance of established air quality standards and with respect to hazardous air pollutants. The effect of this action is to ensure federal enforceability of the state's air program rule revisions. This direct final rule is effective 12 July 1999 without further notice, unless U.S. EPA receives adverse comment by 14 June 1999. If adverse comment is received, a timely withdrawal of the direct final rule will be published in the Federal Register. *For further information contact: Wayne Kaiser; U.S. EPA Region VII; (913) 551-7603.*

STATE LEGISLATIVE ACTIVITY (Session ended 30 April 1999.)

STATE PROPOSED RULES

Rulemaking Procedures/Declaratory Orders (21 IAAB 2587, 2610-11). Proposed rule of the IDNR would amend regulations under 561 IAC 5.1 and .3 and repeal and readopt regulations under 561 IAC 4 and 6 regarding agency procedures for rulemaking, rulemaking petitions, and declaratory orders. The proposal would add uniform rulemaking procedures, conform to recent legislation, and make editorial corrections. *For further information contact: Anne Preziosi; IDNR, Air Quality Bureau; (515) 281-6243.*

STATE GENERAL INFORMATION

U.S. EPA Adds 115 Water Bodies to Impaired List. U.S. EPA has made 115 additions to the IDNR's 1998 list of impaired water bodies. Water bodies are identified as "impaired" because current pollution control measures are not stringent enough for the waters to meet Iowa's water quality standards that define the level of water quality needed to meet the designated uses for that water body. Designated uses include swimming, aquatic life support, and drinking water supply. For the impaired water bodies, TMDLs will be developed by the state to address the water quality problems. TMDLs are allowable levels of pollutants permitted to be discharged by Iowa industries and municipalities into Iowa water bodies. U.S. EPA also believes Iowa inappropriately delisted 130 water bodies from its 1996 list. The additional waters U.S. EPA proposed, the rationale for adding them, and the decision letter sent to Iowa are available online at <http://www.epa.gov/region07/newsinfo/newsrel/newrels.html>. *For further information contact: Ann Lavaty; U.S. EPA Region VII, Water Resources Protection Branch; (913) 551-7370; or the toll-free Environmental Action Line; 1(800) 223-0425.*

(NOTE: General information regarding the IDNR and its various programs, including a status report on proposed rules, draft rules, adopted rules awaiting publication, and recently adopted rules, is available on IDNR's web site at <http://www.state.ia.us/government/dnr/index.html>.)

FEDERAL ACTIONS

U.S. EPA Final Rule: Approval and Promulgation of Implementation Plans; State of Kansas (64 FR 28757). U.S. EPA is conditionally approving the 1998 revisions to the **Kansas City** ozone maintenance plan as a revision to the Kansas SIP. Full approval is contingent upon Kansas' submission of additional, enforceable control measures. In a separate Federal Register document, U.S. EPA is also conditionally approving a similar plan submitted by the MDNR to address the Missouri portions of the ozone maintenance area. This rule will be effective 28 June 1999. *For further information contact: Royan Teter; U.S. EPA Region VII, Air Planning and Development Branch; (913) 551-7609. (Editor's Note: See related U.S. EPA Final Rule, "Approval and Promulgation of Implementation Plans; State of Missouri" (64 FR 28753) under "Missouri Federal Actions" below.)*

STATE LEGISLATIVE ACTIVITY (Session ended 10 April 1999.)

House Bill (HB) 2166 – Projects of Statewide Importance. Authorizes tax increment financing, such as local transient guest tax, local sales tax, and state sales and compensating use tax revenues to repay \$200 million in bonds to finance the Oz Theme Park and Resort to be developed on the **Sunflower Army Ammunition Plant** site in DeSoto, Kansas. *(Editor's Note: The Oz Entertainment Company will be solely responsible for environmental cleanup of the property. The Oz Company has agreed to spend up to \$40 million of its own money on the cleanup, and another \$10 million to buy insurance policies that will guarantee cleanup, in the event the company cannot fulfill its obligations. The bill has been signed by the Governor.)*

STATE PROPOSED RULES

Hazardous Air Pollutants (18 KSR 507). Proposed rule of the KDHE, Bureau of Air and Radiation (BAR), would repeal regulations under KAR 28-19-751 and -752, and adopt regulations under a new Section KAR 28-19-752a to consolidate air quality provisions that address the case-by-case determinations for maximum achievable control technology (MACT) for new and reconstructed sources of hazardous air pollutants under Section 112 of the federal CAA. The proposal also would conform to federal requirements under 40 CFR 63.40 through .44 and maintain the primacy of the state operating permit program. A hearing is scheduled for 30 June 1999 in Topeka. Comments are due 30 June 1999. *For further information contact: Ralph Kieffer; KDHE, BAR; (785) 296-6428.*

STATE GENERAL INFORMATION

KDHE Environmental Conference. The KDHE 1999 environmental conference, "Kansas Environment: Future Directions," will be held on **29-30 September 1999** at the Marriott Hotel in Wichita, Kansas. This year's focus will be on new technologies, environmental management systems, and compliance. The keynote address will be provided by Dr. Peter Bishop, a "Futurist" from the University of Houston. Following Dr. Bishop will be a series of concurrent sessions on water issues, pollution prevention case studies, financial resources, voluntary programs for communities, harnessing solar and wind power, and a wide variety of other topics, and several environmental seminars. The 1999 Pollution Prevention Awards will be presented at the luncheon on Wednesday, 29 September. Interested applicants can request an awards application brochure by calling (800) 357-6087. **This year's deadline for applications is 1 July 1999 at 5:00 p.m.** *For further information contact: Janet Neff; KDHE; (913) 296-0669.*

(NOTE: General information regarding the KDHE and its various programs, including access to rules and regulations, is available on KDHE's web site at <http://www.kdhe.state.ks.us/>.)

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Missouri: Final Authorization of State Hazardous Waste Management Program Revision for Corrective Action (64 FR 23780/23814). Missouri has applied for final authorization of the revision to its hazardous waste program under RCRA. This revision package covers authorization for corrective action. U.S. EPA has reviewed Missouri's application and determined that its hazardous waste program revision satisfied all of the requirements necessary to qualify for final authorization. Final authorization for Missouri will become effective without further notice on 6 July 1999, unless U.S. EPA receives

adverse comment by 3 June 1999. If adverse comments are received, U.S. EPA will publish a timely withdrawal in the Federal Register. *For further information contact: Heather Hamilton; U.S. EPA Region VII; (913) 551-7039.*

U.S. EPA Final Rule: Approval and Promulgation of Implementation Plans; State of Missouri (64 FR 28753). U.S. EPA is conditionally approving the 1998 revisions to the **Kansas City** ozone maintenance plan as a revision to the Missouri SIP. Full approval is contingent upon Missouri's submission of additional, enforceable control measures. In a separate Federal Register document, U.S. EPA is also conditionally approving a similar plan submitted by the KDHE to address the Kansas portions of the ozone maintenance area. This rule will be effective 28 June 1999. *For further information contact: Royan Teter; U.S. EPA Region VII, Air Planning and Development Branch; (913) 551-7609. (Editor's Note: See related U.S. EPA Final Rule, "Approval and Promulgation of Implementation Plans; State of Kansas" (64 FR 28757) under "Kansas Federal Actions" above.)*

U.S. EPA Proposed Rule: Approval and Promulgation of Implementation Plans; State of Missouri (64 FR 28947). U.S. EPA is proposing to approve revisions to the SIP submitted by the state of Missouri to amend the fugitive dust rule. The proposed revisions amend the state fugitive dust rule in order to provide an exemption for adverse or unusual weather conditions. The fugitive dust rule is necessary to help maintain compliance with the national ambient air quality standards (NAAQS) for PM. Comments must be received on or before 28 June 1999. *For further information contact: Aaron Worstell; U.S. EPA Region VII, Air Planning and Development Branch; (913) 551-7787.*

STATE LEGISLATIVE ACTIVITY (Session ended 14 May 1999.)

HB 450 – Public Infrastructure. Revises numerous provisions regarding water and sewer service and authorizes state bonds. **Passed; sent to Governor.**

HB 603 – Solid Waste Management. Revises solid waste and emissions testing laws. **Passed; sent to Governor.**

Senate Bill (SB) 82 – Financing for Water, Stormwater, and Sewer Projects. Authorizes fee for repairs of leaking water service lateral lines in St. Louis County. **Substituted for by SB 160.**

SB 160 – Financing for Water, Stormwater, and Sewer Projects. Allows water bonds, revises water and sewer laws and amends St. Louis Boundary Commission. **Passed; sent to Governor.**

SB 334 – Voluntary Clean-Up Program. Regulates contaminated property and groundwater cleanup. **Passed; sent to Governor.**

SB 353 – Hazardous Waste Fees. Extends sunset on hazardous waste disposal and generator fees. **Passed; sent to Governor.**

The following bills expired, because they were not acted upon by the 14 May 1999 close of session:

HB 180 – Dry Cleaning Environmental Response Fund. Establishes a Dry Cleaning Environmental Response Trust Fund to provide moneys for investigation, assessment, and remediation of releases of solvents from dry cleaning facilities.

HB 524 – Hazardous Waste Fees. Extends hazardous waste fee collection to 1 January 2005.

HB 566 – Groundwater Remediation. Provides for site-specific groundwater remediation.

HB 787 – Water Pollution Permit Fees. Modifies termination date of, and removes the termination date from, certain water pollution permit fees.

HB 797 – Environmental Rules. Provides that certain rules of the Missouri Department of Natural Resources (MDNR) may be no stricter than federal regulations, with exceptions.

HB 1048 – Excessive Noise. Allows certain cities and counties to pass additional regulation regarding excessive noise.

HB 1060 – Water Pollution Permit Fees. Revises clean water law fees and dates.

SB 195 – Environmental Rules. Provides that certain MDNR rules may be no stricter than federal regulations, with exceptions.

SB 415 – Inspection and Maintenance Programs. Modifies law regarding registration of motor vehicles and compliance with motor vehicle responsibility law.

STATE EMERGENCY RULES

PM Emissions (24 MOR 1025). **Emergency rule** of the MDNR, Air Conservation Commission (ACC), amends regulations under 10 MCSR 10-3.050 regarding the restriction of particulate matter emissions from industrial processes. The rule broadens the current exceptions to eliminate the need to issue **variances for military training**. The rule was effective 5 April 1999 and expires 1 October 1999. *For further information contact: MDNR; (573) 751-3443. (Regional Counsel Comment: A rule permanently amending PM emission limitations for military training was recently approved and will be effective on or about 1 October 1999. For more information contact: Jim Kavanaugh; MDNR, Air Pollution Control Program (APCP); (573) 751-4817.)*

STATE PROPOSED RULES

New Source Performance Standards (NSPS) (24 MOR 957-8). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.070 regarding NSPS to update incorporations by reference of federal standards under 40 CFR Part 60 as of 31 December 1997. The proposal also would update previously adopted NSPS. *For further information contact: Jim Kavanaugh; MDNR, APCP; (573) 751-4817.*

Maximum Achievable Control Technology (MACT) Standards (24 MOR 958-9). Proposed rule of the MDNR, (ACC), would amend regulations under 10 MCSR 10-6.075 regarding MACT to update incorporations by reference of federal standards under 40 CFR Part 63 as of 31 December 1997. The proposal also would update previously adopted national emission standards for hazardous air pollutants (NESHAPs). *For further information contact: Jim Kavanaugh; MDNR, APCP; (573) 751-4817.*

NESHAPs (24 MOR 959-60). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.080 regarding NESHAPs. The proposal would update incorporations by reference of 40 CFR Part 61 as of 31 December 1997. The proposal also would update previously adopted NESHAPs. *For further information contact: Jim Kavanaugh; MDNR, APCP; (573) 751-4817.*

Visible Air Contaminant Emissions (24 MOR 1054-6). Proposed rule of the MDNR, ACC, would adopt regulations under a new Rule 10 MCSR 10-6.220 regarding the restriction of visible air contaminant emissions. The proposal would specify the maximum allowable opacity of visible air contaminant emissions, unless specifically exempt or regulated. The proposal also would require the use of continuous opacity monitor systems on certain air contaminant sources. A hearing is scheduled for 24 June 1999 in Jefferson City. Comments are due 1 July 1999. *For further information contact: Jim Kavanaugh; MDNR, Air Pollution Control Program; (573) 751-4817.*

Underground Storage Tanks (USTs) (24 MOR 1056, 1056-7, 1057-8, 1058). The MDNR is drafting amendments to its UST rules at 10 CSR 20-10. The amendments will primarily adopt several recent federal standards, make clarifications to existing rules, and rescind a number of rules promulgated by the Petroleum Storage Tank Insurance Board of Trustees (PSTIBT). A hearing is scheduled for 15 September 1999 in Columbia. Comments are due 29 September 1999. *For further information contact: Tim Eiken; MDNR, PSTIBT; (573) 526-2737. (CREO Counsel Comment: The MDNR does not expect to publish its proposal until fall 1999.)*

(NOTE: General information regarding the MDNR and its various programs is available on MDNR's web site at <http://www.dnr.state.mo.us/homednr.htm>.)

STATE LEGISLATIVE ACTIVITY (Session ended 2 June 1999.)

LB 863 – Lead-Based Paint (LBP). Amends and retitles the Environmental Lead Hazard Control Act passed in 1994 to: (1) reduce the scope of the statute from all lead hazards to LBP hazards only; (2) broaden the regulation of LBP activities performed by individuals; (3) provide for the accreditation of training programs for each of the LBP disciplines; and (4) narrow the applicability to target housing and child-occupied facilities only. **Approved by Governor on 26 May 1999. (CREO Counsel Comment: Impacts on DoD/federal facilities could be substantial.)**

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the NDEQ and its various programs, including access to rules and regulations, is available on NDEQ's web site at <http://www.deq.state.ne.us/>.)

This Regional Update is prepared by Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Ms. Marsha Brustad, CREO Environmental Specialist, at (816) 983-3444 or fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO Regional Updates are available on the Internet at <http://aec.army.mil/prod/usaec/ro/central/central.htm>.



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